

1992—Subsec. (d). Pub. L. 102-245 added subsec. (d).

1988—Pub. L. 100-418 amended section generally, substituting provisions relating to establishment, functions and activities of the National Institute of Standards and Technology and the Secretary of Commerce for provisions which authorized Secretary to undertake certain enumerated functions and activities related to the National Bureau of Standards and for which need might arise in operations of Government agencies, scientific institutions, and industrial enterprises.

Par. (20). Pub. L. 100-235 added par. (20).

1972—Par. (19). Pub. L. 92-317 inserted provisions authorizing use of National Bureau of Standards personnel for teaching and training activities without additional compensation.

1950—Act July 22, 1950, provided basic authority for performance of certain functions and activities of Department of Commerce.

ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS

Pub. L. 105-309, § 6, Oct. 30, 1998, 112 Stat. 2936, provided that:

“(a) DEFINITIONS.—In this section—

“(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term ‘educationally useful Federal equipment’ means computers and related peripheral tools and research equipment that is appropriate for use in schools.

“(2) SCHOOL.—The term ‘school’ means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

“(b) SENSE OF THE CONGRESS.—

“(1) IN GENERAL.—It is the sense of the Congress that the Director of the National Institute of Standards and Technology should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999 [40 U.S.C. 549 note]), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

“(2) REPORTS.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Oct. 30, 1998], and annually thereafter, the Director of the National Institute of Standards and Technology shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

“(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.”

TRANSMITTAL OF PLAN FOR STANDARDS CONFORMITY TO CONGRESS

Section 12(c) of Pub. L. 104-113 provided that: “The National Institute of Standards and Technology shall, within 90 days after the date of enactment of this Act [Mar. 7, 1996], transmit to the Congress a plan for implementing the amendments made by this section [amending this section and enacting provisions set out as a note below].”

UTILIZATION OF CONSENSUS TECHNICAL STANDARDS BY FEDERAL AGENCIES

Pub. L. 104-113, § 12(d), Mar. 7, 1996, 110 Stat. 783, as amended by Pub. L. 107-107, div. A, title XI, § 1115, Dec. 28, 2001, 115 Stat. 1241, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (3) of this subsection, all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

“(2) CONSULTATION; PARTICIPATION.—In carrying out paragraph (1) of this subsection, Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards.

“(3) EXCEPTION.—If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. Each year, beginning with fiscal year 1997, the Office of Management and Budget shall transmit to Congress and its committees a report summarizing all explanations received in the preceding year under this paragraph.

“(4) EXPENSES OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.

“(5) DEFINITION OF TECHNICAL STANDARDS.—As used in this subsection, the term ‘technical standards’ means performance-based or design-specific technical specifications and related management systems practices.”

INTERNATIONAL STANDARDS

Pub. L. 100-519, title I, § 112, Oct. 24, 1988, 102 Stat. 2592, provided that:

“(a) PROGRAM.—The Secretary, acting through the Director of the National Institute of Standards and Technology and other appropriate officials, shall seek funding for and establish, within 6 months after the date of the enactment of this Act [Oct. 24, 1988], a program to assist other countries in the development of their domestic standards which are compatible with standards in general use in the United States. After the program is established, it shall be funded through voluntary contributions from the private sector to fully reimburse the United States for expenses incurred during fiscal years 1989 and 1990. The program shall begin on a pilot basis focusing on one or two countries or groups of countries which are major United States trading partners and have expressed interest in such program. The Secretary shall ensure that contributions which are earmarked by country are spent to assist the development of standards by that country or group of countries.

“(b) LONG-TERM PLAN.—No later than June 30, 1989, the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a long-term plan for assistance under this section for each nation or group of nations which annually has imports of at least \$1,000,000,000 from the United States (or has the potential for being a major importer from the United States) and which desires such assistance. The plan shall include a description of the resources needed to provide such assistance, the appropriate and likely sources of such funds, and the appropriate relationship between the program established under this section and private sector standards organizations. Special consideration is to be given to the feasibility of establishing a data base and other methods for making standards information developed in cooperation with one country available to other countries.”

INITIAL ORGANIZATION PLAN FOR INSTITUTE

Section 5112(d) of Pub. L. 100-418 provided that:

“(1) At least 60 days before its effective date and within 120 days after the date of the enactment of this Act [Aug. 23, 1988], an initial organization plan for the

National Institute of Standards and Technology (hereafter in this part [see Short Title of 1988 Amendment note set out under section 271 of this title] referred to as the 'Institute') shall be submitted by the Director of the Institute (hereafter in this part referred to as the 'Director') after consultation with the Visiting Committee on Advanced Technology, to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such plan shall—

“(A) establish the major operating units of the Institute;

“(B) assign each of the activities listed in section 2(c) of the Act of March 3, 1901 [15 U.S.C. 272(c)], and all other functions and activities of the Institute, to at least one of the major operating units established under subparagraph (A);

“(C) provide details of a 2-year program for the Institute, including the Advanced Technology Program;

“(D) provide details regarding how the Institute will expand and fund the Inventions program in accordance with section 27 of the Act of March 3, 1901 [15 U.S.C. 278m]; and

“(E) make no changes in the Center for Building Technology or the Center for Fire Research.

“(2) The Director may revise the organization plan. Any revision of the organization plan submitted under paragraph (1) shall be submitted to the appropriate committees of the House of Representatives and the Senate at least 60 days before the effective date of such revision.

“(3) Until the effective date of the organization plan, the major operating units of the Institute shall be the major operating units of the National Bureau of Standards that were in existence on the date of the enactment of this Act [Aug. 23, 1988] and the Advanced Technology Program.”

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY; SMALL BUSINESS PLAN

Section 5163(b) of Pub. L. 100-418 provided that: “The Director of the National Institute of Standards and Technology shall prepare a plan detailing the manner in which the Institute will make small businesses more aware of the Institute’s activities and research, and the manner in which the Institute will seek to increase the application by small businesses of the Institute’s research, particularly in manufacturing. The plan shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives not later than 120 days after the date of the enactment of this Act [Aug. 23, 1988].”

CONSTRUCTION OF RADIO LABORATORY BUILDING

Act Oct. 25, 1949, ch. 703, 63 Stat. 886, provided for the construction and equipment of a suitable radio laboratory building, together with necessary utilities and appurtenances thereto, under a limit of cost of \$4,475,000, for the National Bureau of Standards.

CONSTRUCTION OF A GUIDED-MISSILE RESEARCH LABORATORY

Act Oct. 25, 1949, ch. 728, 63 Stat. 905, provided for the construction and equipment of a research laboratory building, suitable for use as a guided-missile laboratory, together with necessary utilities and appurtenances thereto, under a limit of cost of \$1,900,000, for the National Bureau of Standards.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1454 of this title.

§ 272a. Technology services

In addition to such other technology services and technology extension activities which may be mandated or authorized by law, and in order to help improve the use of technology by small

and medium-sized industrial firms within the United States, the Director of the National Institute of Standards and Technology, as appropriate, shall—

(1) work directly with States, local governments, and other appropriate organizations to provide for extended distribution of Standard Reference Materials, Standard Reference Data, calibrations, and related technical services and to help transfer other expertise and technology to the States and to small businesses and other businesses within the States;

(2) evaluate those inventions from small businesses or individuals which have a significant potential for improving competitiveness;

(3) provide support for workshops on technical and entrepreneurial topics and share information developed through the Malcolm Baldrige Quality Award Program; and

(4) work with other Federal agencies to provide technical and related assistance to the States and businesses within the States.

(Pub. L. 100-519, title I, §109, Oct. 24, 1988, 102 Stat. 2591.)

CODIFICATION

Section was enacted as part of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

§ 272b. Annual budget submission

The National Institute of Standards and Technology shall annually submit to the Congress, at the time of the release of the President’s budget, a three year budget estimate for the Institute, including funding estimates for each major account and new initiative.

(Pub. L. 100-519, title I, §111, Oct. 24, 1988, 102 Stat. 2592.)

CODIFICATION

Section was enacted as part of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

§ 273. Functions; for whom exercised

The Institute is authorized to exercise its functions for the Government of the United States and for international organizations of which the United States is a member; for governments of friendly countries; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States or friendly countries engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments: *Provided*, That the exercise of these functions for international organizations, governments of friendly countries and scientific societies, educational institutions, firms, corporations, or individuals therein shall be in coordination with other agencies of the United States Government, in particular the Department of State in respect to foreign entities. All requests for the services of the Institute shall be made in accordance with the rules and regulations hereinafter established.